THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.23081 of 2006

08.11.2006

Between:

Puppala Vani Prasad, S/o.Late Satyanarayana

... Petitioner

AND

The District Registrar of Asurances (Stamps and Registration), Visakhapatnam

And others

... Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.23081 of 2006

ORDER:

The petitioner inherited the land admeasuring Acs.0.28 in survey No.56/2 situated at Pothina Mallayyapalem village of Chinagadili Mandal in Visakhapatnam District. As the petitioner is required money, he offered to sell the land. When the petitioner along with the intending purchasers approached the second respondent to present the documents for registration, the second respondent refused to receive the documents on the ground that it is a Government land. Therefore, the present writ petition is filed seeking a writ of Mandamus declaring the action of the second respondent in not receiving and registering the documents as illegal and arbitrary.

In **State of Rajasthan v Basant Nahata**[1], the Supreme Court struck down the provision in the Registration Act as amended by the State of Rajasthan as *ultra vires*. Following the same, a Division Bench of this Court in its judgment dated 07.12.2005 in W.P.Nos.14099 of 2003 and batch struck down Section 22-A of the Act as applicable in State of Andhra Pradesh. It is also brought to the notice of this Court that Special Leave Petition filed by the State Government against the said judgment was also dismissed by the Supreme Court on 11.8.2006. Therefore, the impugned order cannot be sustained.

Following the judgment of the Division Bench, this writ petition is disposed of. As and when the documents are presented by the petitioner, the Registering Authority shall accept the same for registration and if for any reasons, the same cannot be registered, record and furnish the reasons. If the petitioner is aggrieved by the order of the Registering Authority, it shall be

open to the petitioner to file appeal under Section 72 of the Act before the District Registrar. If the District Registrar i.e., the Appellate Authority declines to give direction to the Registering Authority, the aggrieved person has to file a suit under Section 77 of the Act.

The writ petition, subject to the above observations, is accordingly disposed of. No costs.

November 08, 2006. (**V.V.S.RAO, J**)
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[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456